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Acting Under Authority Conferred By 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 18-258 EJD
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME FROM JULY
)	28, 2020, TO AUGUST 31, 2020 AND
v.)	[PROPOSED] ORDER
)	
RAMESH "SUNNY" BALWANI,)	
)	
Defendant.)	
)	
)	

STIPULATION

WHEREAS, on June 28, 2019, the Court ordered that jury selection would be held on July 28, 2020; found that the ends of justice served in granting the continuance outweighed the best interests of the public and the Defendant Balwani in a speedy trial; and excluded time under the Speedy Trial Act from June 28, 2019 through and including July 28, 2020. Dkt. 83.

WHEREAS, on March 20, 2020, the Court issued an Order re Severance of Trials, finding "good cause to sever the trials of [co-defendant Elizabeth] Holmes and Mr. Balwani"; ordering that "Ms. Holmes's trial will proceed as scheduled"; and ordering that "Mr. Balwani's trial will begin after Ms.

Holmes's trial has concluded." Dkt. 362.

WHEREAS, in its March 20, 2020 severance order, the Court continued Ms. Holmes's matter to April 1, 2020, for status conference and Mr. Balwani's matter to June 16, 2020, for status conference. Dkt. 362.

WHEREAS, on April 1, 2020, the Court set a further status conference as to Ms. Holmes for April 15, 2020. Dkt. 371.

WHEREAS, on April 15, 2020, the Court ordered that jury selection for the Holmes trial be reset to October 27, 2020; found that the ends of justice served in granting the continuance outweighed the best interests of the public and the defendant in a speedy trial; and excluded time through and including October 27, 2020. Dkt. 374.

WHEREAS, on June 9, 2020, a Clerk's Notice Resetting Hearing Time was filed moving the June 16, 2020 status conference for Mr. Balwani to August 31, 2020. Dkt. 416.

WHEREAS, on July 20, 2020, during a status conference for Ms. Holmes and a hearing on motions joined by Mr. Balwani, counsel for Mr. Balwani agreed that time was appropriately excluded under the Speedy Trial Act through August 31, 2020, the date of the next status conference for Mr. Balwani.

THEREFORE, the parties stipulate and agree that the Court should enter the order below memorializing its exclusion of time under the Speedy Trial Act through August 31, 2020.

IT IS SO STIPULATED.

DATED: July 22, 2020

ADAM A. REEVES
Attorney for the United States,
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By 28 U.S.C. § 515

_____/s/_____
ROBERT S. LEACH
JEFF SCHENK
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VANESSA BAEHR-JONES
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1 DATED: July 22, 2020

ORRICK, HERRINGTON & SUTCLIFFE LLP

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3 _____/s/_____
JEFFREY B. COOPERSMITH, ESQ.
4 Attorneys for Ramesh “Sunny” Balwani
5

6 **[PROPOSED] ORDER**

7 For the reasons set forth on the record on July 20, 2020, the Court finds that the ends of justice
8 served by excluding the time from July 28, 2020, through August 31, 2020, from computation under the
9 Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,
10 and with the consent of the parties, IT IS HEREBY ORDERED that the time from July 28, 2020,
11 through August 31, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.
12 § 3161(h)(7)(A), (B)(iv).

13 IT IS SO ORDERED.
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15 DATED: _____

16 _____
THE HONORABLE EDWARD J. DAVILA
United States District Judge
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